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place to political and military stability in the area. Once again, the President is asking Congress to provide more military aid to Turkey, rather than asking for the return of refugees to their homes. Once again we are being asked to "compromise" with Turkey, despite the recognized lack of progress in negotiations, and despite any sign of goodwill or flexibility from Turkey in responding to basic humanitarian issues—such as allowing the free movement of people—let alone the resettlement of refugees to their homes. Indeed, senior officials at the Department of State continue to admit that nothing has really changed on Cyprus one year later.

Despite the continuing and almost total absence of progress toward reaching a settlement, we have repeatedly, over the past many months, been assured by Department of State spokemen of optimistic signs for "moving the parties involved on Cyprus to early negotiations." Those were, for example, the words written in a letter to me by the Department on November 22, 1974. Several weeks later, on January 6th, Secretary Kissinger echoed similar optimism in a letter responding to an inquiry by four members of the Refugee Subcommittee. The Secretary stated: "Fortunately, some progress has been made in recent weeks toward getting substantive negotiations underway."

FIRST ANNIVERSARY OF TURKISH INVASION

Yet, today, on the first anniversary of the Turkish invasion, we have yet to see any meaningful negotiating posture on the part of Turkey nor any new developments in the field to match the continuing optimism of Administration spokesmen. If "progress" means the shuttling of our diplomats around the globe, the occasional meeting of Turkish and Greek and Cypriot diplomats, or even the regular contacts of the two Cypriot communities in Nicosia and Vienna—then such "progress" is hollow, since it has not brought positive developments in the field, such as the return of some refugees to their homes or the beginning of a return to economic normalcy. These are the true indicators of progress—not more talk that leads nowhere. And these indicators of progress on Cyprus must also be our benchmarks in assessing whether military assistance to Turkey should be resumed.

PLIGHT OF REFUGEES IGNORED

Instead, we no longer hear but incidental reference made by the highest leaders of our nation to the problems on Cyprus. In fact, we rarely hear Cyprus mentioned at all in the context of the renewed debate over our nation's policy toward Turkey—as if the crisis on Cyprus had no relationship to the original action of Congress, or to the original concern of the American people.

We no longer hear reference made to over two hundred thousand refugees and others displaced from their lands, their homes, or their sources of livelihood, many of whom lack employment and subsist on government hand-outs.

We no longer hear much concern over the restoration of the full independence and sovereignty and territorial integrity of Cyprus.

We no longer find Administration spokesmen speaking of the need for "gestures of goodwill" on the part of Turkey.

We no longer see much effort to secure the implementation of United Nations resolutions on Cyprus—resolutions supported and voted for by our government.

In fact, we rarely hear the President, the Secretary of State, or other high Administration officials speak of the problems on Cyprus—muchless about the urgent plight of tens of thousands of Cypriot refugees. Rather, we hear only about Turkey—of U.S. bases, of strategic concerns in the Eastern Mediterranean, and about Turkish sensitivities.

Strategic concerns are clearly important, as are our relations with Turkey. But what of our relations with our other NATO ally in the Eastern Mediterranean—Greece? And what of the plight of homeless people? And what about respect for law and our nation's long-standing opposition to military intervention and blatant aggression?

DE FACTO PARTITION OF CYPRUS

Are we to condone the invasion and occupation of Cyprus by simply forgetting about it? Are we to condone the nibbling away of an independent state simply by no longer speaking of it? Are we to condone the human tragedy brought about by the illegal use of American supplied weapons by sending more? And are we to stand silent in the face of our continued failure to condemn the Turkish invasion, unrelenting occupation, and de facto partition of an independent nation?

I believe the American people expect better of their government, and this is clearly reflected in the renewed debate in Congress. The time is long overdue for the President and members of the Administration to show greater evidence of concern and action over the human and political tragedy of Cyprus.

The people and nation of Cyprus—and, indeed, of Greece and Turkey—still remain on the brink of new conflict and even greater tragedy. Our government's policy bears a special responsibility. This is so not only because of past omissions in our diplomacy, and our consistent support of the Turkish position, but also because of the President's insistence on maintaining a business-as-usual attitude toward military shipments to Turkey. It is so because we have let our diplomacy ignore the urgent and legitimate right of refugees to return to their homes in safety, and in peace.

There is still time for us to rescue our foreign policy from a course that is disastrous to our best traditions and interests in the Eastern Mediterranean—if only we are to act.

BINGHAM INTRODUCES LEGISLATION TO END GOVERNMENT CENSORSHIP BY INJUNCTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. BINGHAM) is recognized for 10 minutes.

Mr. BINGHAM. Mr. Speaker, the most historic case before any court of the United States this year has almost certainly been *Knopf* v. *Colby*, 509 F2d 1362, the second chapter of the constitutional crisis first addressed in *U.S.* v. *Marchetti*, 466 F2d 1309 (4th Cir., 1972). The case is a painful first in the history of the first amendment—the first and only time that a court has used the power of the injunction to assist the Government in restraining the exercise of basic first amendment freedoms. In the language of the lawbooks, the two Marchetti cases effected a "prior restraint" on both freedom of the press and freedom of speech. To use blunter language, the case involves the unprecedented censorship of a book by the Government.

It is ironic that both U.S. against Marchetti and Knopf against Colby have been refused the attention of the U.S. Supreme Court. By turning down the petitions for writs of certiorari in these cases, the Court has left standing as the law opinions by the Fourth Circuit's Judge Haynsworth which are patently repugnant to the first amendment. I believe that a review of the facts of the entire case, and of the historic principles involved, will make it clear that Judge Haynsworth's opinions in U.S. against Marchetti and Knopf against Colby are a major blot upon the first amendment, one that can and must be reversed by appropriate legislation.

THE CASE

Victor L. Marchetti was employed by the CIA in October 1955. He resigned from the Agency in September 1969, after having held posts that included that of Special Assistant to the Deputy Director.

Following his resignation from the CIA, Mr. Marchetti signed a contract with Alfred A. Knopf to write a nonfiction book about the CIA. This book was finally published by Knopf, in 1974, under the title "The CIA and the Cult of Intelligence." The 168 deletions that so prominently mar that book are testimony to the success of 3 years of litigation by the U.S. Government and the CIA, which diligently pursued the aim of censoring Marchetti's book. The Haynsworth decisions in the Marchetti cases are the legacy of this massive effort to gain judicial approval of governmental censorship.

Litigation in the case was begun on April 18, 1972, when the United States went into court to request temporary injunctive relief—which later became permanent—against the real or imagined threats posed by Marchetti's writings. The permanent injunction that was eventually issued against Marchetti is as extraordinarily broad as it is unprecedented. It required then—and still requires now—that Marchetti submit to the CIA "any manuscript, article or essay, or other writing, factual, fictional, or otherwise, which relates to or purports to relate to the Central Intelligence Agency, intelligence, intelligence activities, or intelligence sources of methods"; and it authorizes the Director of Central Intelligence, within 30 days, to order deleted "any classified information relating to intelligence activities, (and) any classified information concerning intelligence sources and methods." The injunction exempts from its scope classified information which has been placed in the public domain by the United States.

This first round of litigation in the Marchetti case was conducted in the shadow of the Pentagon Papers case, *New York Times Co.* v. *U.S.*, 403 U.S. 713 (1971). There, of course, the Supreme Court had explicitly refused—on first amendment grounds—to enjoin the publication of highly classified documents by the New York Times and the Washington Post. Stressed the Court in its per curiam opinion—quoting *Bantam Books, Inc.* v. *Sullivan*, 372 U.S. 58, 70 (1963)—

> Any system of prior restraints of expression comes to this Court bearing a heavy presumption against its constitutional validity.

Both the district court and the court of appeals, however, in U.S. against Marchetti, gave barely a nod in the direction of N.Y. Times against U.S. What distinguished the Marchetti case, said the Court, was the fact that Marchetti had signed a contract with the CIA in which he had agreed never to make public classified information which he had

come across while employed by the CIA and actually been classified, rather, to had merely to argue that the information was "classifiable," and that it was contained somewhere in a document with a classification stamp on it. Actual evidence, though "nice," is unnecessary, said the court. It was from this basis that Judge Haynsworth proceeded to detail the nature of the Government's "burden" in such a case as Marchetti's. Not surprisingly, he found that the Government had met that "burden" in each of the 168 instances where it was attempting to do so.

Other peculiar exercises indulged in by Judge Haynsworth in Knopf are now also on the verge of being incorporated into our venerated first amendment. The original injunction against Marchetti did not include a prohibition against publishing material that had entered the public domain. Marchetti, Marks, and Knopf claimed that 74 items among the 168 deletions had been discussed publicly, and showed this at trial with congressional hearings, newspaper and magazine articles, and a transcript of a television program. Public domain? No, said the district court, in a ruling that the court of appeals affirmed; no, despite the fact that "It does, of course, put Marks and Marchetti in a position of being unable to write about matters that everyone else can write about." The court of appeals elaborated:

> Rumors and speculations circulate and sometimes get into print. It is one thing for a reporter or author to speculate or guess that a thing may be so or even, quoting undisclosed sources, to say that it is so; it is quite another thing for one in a position to know of it officially to say that it is so.

In other words, "highly sensitive" information can be bandied about by the press only so long as the American public entertains some doubt as to its authenticity. Cross the barrier between "rumors and speculations" and facts, however, and you leave the first amendment behind.

Such surprises abound in the jurisprudential territory opened up by Knopf; behind every news-stand there lurks a censor, equipped with a "presumption of regularity." As a final instance of this, let us take the court of appeals' reversal of the district court on the issue of whether Marchetti could publish information "which was either learned by them outside of their employment or was learned both during their employment and afterwards and would have been learned afterwards 'in any event.'" The district court held that as a matter of fact, seven deleted items fell within this category; as a matter of law, it held that these items could be published, since the secrecy agreement in Marchetti's employment contract—which was the basis for the original injunction—quite clearly did not cover matters learned of after the termination of Marchetti's employment. The court of appeals agreed with the latter point of law, but rendered it meaningless with another presumption. Said Judge Haynsworth:

> Regardless of the District Court's finding of fact, neither (petitioner) should be heard to say that he did not learn of information during the course of his employment if the [illegible] a substantial presumption should be raised against him.

Rather than continuing to plunge down through this Kafkesque abyss of lamb-like burdens and maniacal presumptions, I shall cut off discussion of Judge Haynsworth's opinion: given the presumption of an after-life, it is clear that the eloquence of Justice Black's outraged ghost must be drowning out my own words anyway. So that I here retreat from the perils of Knopf against Colby, to return to the more familiar principles of the first amendment; based upon a discussion of these principles, I believe, a reasonable approach to the problem of security secrets versus the first amendment can be suggested.

PRIOR RESTRAINT AND THE FIRST AMENDMENT

The first amendment's strictures upon prior restraints directed against freedom of the press and of speech are so elementary to our constitutional Government that they hardly require any detailed review. Justice Black wrote:

> Both the history and the language of the First Amendment support the view that the press must be left free to publish news, whatever the source, without censorship, injunctions, and prior restraints. *New York Times Co. v. U.S.*, 403 U.S. 713, 715.

Wrote Justice Douglas, citing the definitive modern treatises on the first amendment (Zachariah Chafee's "Free Speech in the United States" (1941). and Thomas Emerson's "The System of Freedom of Expression" (1970)):

> It is common knowledge that the First Amendment was adopted against the widespread use of seditious libel to punish the dissemination of material that is embarassing to the powers that be.

The landmark case in the development of the law of prior restraint is, of course *Near* v. *Minnesota*, 283 U.S. 697 (1931) Chief Justice Hughes' opinion there definitively stated what a reading of history already revealed: that the "chief purpose of (the First Amendment's) guarantee (is) to prevent previous restraints upon publication." *Near* v. *Minnesota*, supra, at 713. In speaking of the Near case, Chief Justice Hughes justified "the immunity of the press from previous restraint" in terms that are as applicable to the Marchetti case as they were to the Pentagon Papers case, or *Near* v. *Minnesota* itself:

> While reckless assaults upon public men, and efforts to bring obloquy upon those who are endeavoring faithfully to discharge official duties, exert a baleful influence and deserve the severest condemnation in public opinion, it cannot be said that this abuse is greater, and it is believed to be less, than that which characterized the period in which our institutions took shape. Meanwhile, the administration of government has become more complex, the opportunities for malfeasance and corruption have multiplied, crime has grown to most serious proportions, and the danger of its protection by unfaithful officials and of the impairment of the fundamental security of life and property by criminal alliances and official neglect emphasizes the primary need of a vigilant and courageous press . . . The fact that the liberty of the press may be abused by miscreant purveyors of scandal does not make any the less necessary the immunity of the press from previous restraint in dealing with official mis-

Whether any circumstances can justify the imposition of prior restraints on the press has been a topic of hot debate. The range of language in the Times against United States case indicates the significan differences of opinion on the question. The per curiam opinion of the Court hedged, stating merely that any system of prior restraints "comes to this court bearing a heavy presumption against its constitutional validity," (citing "Bantam Books," *Inc.* v. *Sullivan*, 372 U.S. 58, 70 (1963)), and that with regard to any restraint, the Government "carries a heavy burden of showing justification." Justices Black and Douglas went further. Justice Douglas asserted:

> The First Amendment "leaves . . . no room for governmental restraint on the press.

Justice Brennan, on the other hand, identified "a single, narrow class of cases in which the first amendment's ban on prior judicial restraint may be overridden—such cases may arise only when the Nation "is at war," *Schenck* v. *United States*, 249 U.S. 47, 52 (1919), during which times "no one would question but that a government might prevent actual obstruction to its recruiting service or the publication of the sailing dates of transports or the number and location of troops." *Near* v. *Minnesota*, 283 U.S. 697, 716 (1931)." Justice Stewart stated the matter negatively. He wrote:

> I am convinced, that the Executive is correct with respect to some of the documents (the Pentagon Papers) involved. But I cannot say that disclosure of any of them will surely result in direct, immediate, and irreparable damage to our Nation or its people. That being so, there can under the First Amendment be but one judicial resolution of the issues before us.

It is important to note that all of those opinions in the Times case which indicated that some prior restraint might be justified, stated that the government's case against publication of the Pentagon papers was substantially weakened by the absence of any relevant legislation by Congress. Justice White wrote:

> At least in the absence of legislation by Congress, based on its own investigations and findings, I am quite unable to agree that the inherent powers of the Executive and the courts reach so far as to authorize remedies having such sweeping potential for inhibiting publications by the press.

Interestingly, those in accord with this position include—or at least did once include—Mr. William Colby. The CIA's Director has sought in the past, and continues to seek, legislation which would criminalize the disclosure of classified information, and which would provide the CIA with the authority to seek injunctive relief against such disclosures. In a letter introduced at trial during the Marchetti case, Colby conceded that no authority to seek suitable injunctive relief currently exists:

> Prevention of disclosure in order to avoid serious damage to the intelligence collection effort better serves the national interest than punishment after disclosure; however, *there is no existing statutory authority for injunctive relief.* (Emphasis added.)

It would certainly be interesting to see how Mr. Colby would have decided that old-fashioned contract law could be fashioned into an adequate substitute for the explicit "statutory authority for injunctive relief" whose absence Mr. Colby once viewed with such concern.

What I propose today is that the Congress make available suitable injunctive relief in a specifically defined range of cases. By carefully and narrowly defining that range, we will eliminate such unwarranted and lawless use of prior restraint as was approved by the fourth circuit in the Marchetti case. At the same time, we may expedite the lawful handling of cases where a matter seriously affecting the national security is legitimately involved.

PROPOSED LEGISLATION

The first purpose of legislation on prior restraint must be to eliminate from our law the false distinctions and destructive judicial doctrine that have been thrust upon us by U.S. versus Marchetti and Knopf versus Colby. Foremost among these is the Fourth Circuit's bizarre notion that the existence of a "secrecy agreement" is both a constitutional and a sensible way to determine whether or not an injunction may issue to suppress a particular piece of news. That idea, I submit, makes as little sense from a policy point of view as it does from a historical viewpoint; its practical consequences are as unsound as its tortured construction of the first amendment.

Perhaps the best way to dramatize this is to compare the important facts in the Marchetti case with those involved in the Pentagon Papers case. Aside from the secrecy—and there are indications that such a contract, signed by some party in the chain of communication of the Pentagon Papers, might have been unearthed if only the contract enforcement argument had been cooked up in time by the Government—there are only two primary distinctions between the two cases. The first is that the Times had in hand the "stolen" documents that it sought to publish, whereas Marchetti retained only his memory of events; and the second is that the Times published top secret documents in their original form, as opposed to publishing a manuscript created without actual reference to such documents. The factual distinctions would seem to make out a stronger case for suppressing the Pentagon Papers than Marchetti's book. Yet the opposite result was reached, and the doctrine propounded that classified documents stolen by a nonemployee can be suppressed only with a showing of certain "direct, immediate and irreparable damage to our Nation," whereas the recall of an ex-employee can be censored without any such showing.

This result violates the historic purpose of the first amendment: preventing the Government from using older legal doctrines—whether the common law of seditious libel or equitable enforcement of a contract—to suppress publication of news. It violates the principle that Government employees "are not relegated to a watered-down version of constitutional rights." *Keyishian* v. *Board of Regents of New York*, 385 U.S. 493, 500 (1967). It ignores the settled principle that the Government may not enforce contractual provisions which are "barred by some controlling constitutional prohibition," *King* v. *Smith*, 392 U.S. 309, 333 n. 34 (1968) and that waivers of fundamental rights cannot be enforced against any party by the Government, *Pickering* v. *Board of Education*, 391 U.S.C. 563 (1968). And it does all these things without any reference to the legitimate security interests of the United States; the abrogation of fundamental constitutional principles has been rested not upon national security needs, but on the circumstance of whether or not a piece of news is associated with a man who once signed a particular kind of Government employment contract.

We cannot tolerate such meaningless distinctions cluttering up the first amendment. Section 4 of the bill I am introducing today thus directly reverses U.S. against Marchetti:

> No provision in any agreement or contract between the United States and any individual shall be the basis for the issuing of any restraining order, or temporary or permanent injunction, against any party seeking to speak, print or publish any matter relating to his employment by the United States. No such contractual provision shall be deemed relevant in any way to any proceeding in which the United States seeks the injunctive relief provided for in Section 2 of this Act.

My bill proposes that instead of looking toward irrelevant contract law, we look toward respected constitutional precedents to guide us in the decision of when to authorize restraints upon the publication of news. Section 2 of my bill adapts the language of Justice Stewart, quoted above, and sets out the following general guideline for when an injunction may issue against publishing the news:

> The District Courts of the United States are hereby empowered to grant the petition of the United States to enjoin speech, or the printing or publication of any matter, if and only if the Government has both alleged and proved that communication of such matter will surely result in direct, immediate and irreparable damage to the security of the United States or its people.

The key phrase here is, of course, "such matter will surely result in direct, immediate and irreparable damage to the security of the United States or its people." This formula, while adaptable to a variety of situations, is meant to be interpreted as narrowly as possible. Clearly, it would permit prior restraint in such a situation as was described by Chief Justice Hughes in Near against Minnesota—that is, where there is a threat to publish the sailing dates of transports during wartime. *Near* v. *Minnesota*, supra at 716. It would also include the nonwartime situation hinted at by Justice Brennan in Times against U.S., where the publication of information might somehow—in a manner that the Government would be obliged to set out specifically—"set in motion a nuclear holocaust." I suggest that even during peacetime, certain crucial military information could be suppressed. I would hope that congressional hearings will consider in de-

tail the question of when information about intelligence gathering would be considered so vital to the national security as to justify prior restraint. Censoring accounts of the identities and activities of agents currently in dangerous positions abroad comes quickly to mind as a fruitful topic for discussion; I am certain, too, that the Congress will want to give attention to a number of other situations where the "irreparable damage" threatened is to something less than the "security of the United States or its people."

What would clearly not be included among permissible prior restraints under section 2 are injunctions against the kind of information that the Government attempted to suppress in the Pentagon papers, and which it has successfully suppressed in the Marchetti case: information whose release threatens no lives, but which would prove embarassing to the Government. The Pentagon papers are a clear case of such embarassing information; the tragis, stubborn, unforgiveable blindness of the Nation's leaders was revealed, but no lives were lost as a result of publication, nor was the Nation rendered suddenly vulnerable to enemy attack. Similarly with Marchetti: the suppressed information in his book would help reform our estimate of the virtues inherent in the recent conduct of U.S. foreign policy, but obviously would not have suddenly crippled the Nation in any way—we note that nothing in court opinions ever indicated that release of the information would have posed any genuine danger "to the United States or its people."

Finally, I think it important to make certain that the determination of the seriousness and irreparableness of a threat posed by a publication is not left to the Executive—whose keen interest it will always be to prevent the release of the embarassing along with the potentially fatal. My bill therefore provides that:

> No classification of documents by the executive, pursuant to 5 U.S.C. 552, shall be deemed decisive in determining the outcome of any petition by the United States, pursuant to section 2 of this act, for a restraining order or a temporary or permanent injunction against any party.

This leaves room for a court to consider the Executive's classification and the reasons given for it as a factor in its own decision. It does not, however, permit a court to defer to this judgment. In the Pentagon papers case, the top secret classification on the documents did not keep the court from finding that the material did pose the threat of "direct, immediate and irreparable damage"—though the Government claimed that publication threatened "grave and irreparable danger" to the Nation. My bill would require a court to make an independent evaluation of the information involved before issuing any injunction.

It should be noted, too, that this proposed independent evaluation by the Court is significantly different from the necessity for a review of "classifiability" that has been thrust upon the courts by the Freedom of Information Act, 5 U.S.C. 552. The Pentagon Papers may or may not have been properly classified; regardless of that question, the danger posed by their imminent disclosure did not meet the "heavy burden" of justification that the Supreme Court there imposed upon the Government. Nor would a simple determination that the documents which Marchetti recalled in his book were properly classified be adequate grounds for suppressing them: the burden of justification that section 2 of my bill imposes upon the Government in all attempted prior restraints—including proposed injunctions against ex-employees—goes far beyond the question of classifiability; it demands, instead, that the Government clearly explain just how a particular piece of information would irreparably damage the security of the Nation. If the Government should fall short in its effort to do so, the courts, under my bill, would be obliged to refuse the requested injunctive relief.

During the several months that have passed Knopf was decided, events have repeatedly showed that the guarantees of the first amendment are not simply the ideals that keep our Nation vital, but are themselves vital to our national security. As embarrassing as certain revelations regarding the CIA have been, to have persisted in our ignorance would certainly have been genuinely dangerous. As Justice Stewart wrote in the Pentagon Papers case:

> In the absence of the governmental checks and balances present in other areas of our national life, the only effective restraint upon executive policy and power in the areas of national defense and international affairs may lie in an enlightened citizenry—in an informed and critical public opinion which alone can here protect the values of democratic government. For this reason, it is perhaps here that a press that is alert, aware, and free most vitally serves the basic purpose of the First Amendment. For without an informed and free press there cannot be an enlightened people.

My bill would do away with the peculiar doctrine that a free press may public "rumor and speculation"—in Judge Haynsworth's words—about an issue, but not the facts; it would eliminate from our law the notion that certain men—in particular, those in possession of the embarassing facts—live outside the protection of the first amendment, in a jurisprudential netherworld where the Government may use injunctions to cut off their ability to communicate with the public. I believe that the Congress should act quickly to remove the Marchetti and Knopf decisions from our law before the year is out; we must refuse to let our 200th year be one in which we acquiesce to a major weakening of our Bill of Rights.

Text of the bill:

> SECTION 1. No court of the United States shall grant to the United States any restraining order or temporary or permanent injunction against any party seeking to freely speak, print or publish any matter, except as specifically set out in this Act.
>
> SEC. 2. The District Courts of the United States are hereby empowered to grant the petition of the United States to enjoin speech, or the printing or publication of any matter, if and only if the government has both alleged and proved that communication of such matter will surely result in direct immediate and irreparable damage to the United States or its people.
>
> SEC. 3. No classification of documents by the Executive, pursuant to 5 U.S.C. 552, shall be deemed conclusive in determining the outcome of any petition by the United States, pursuant to Section 2 of this Act, for a restraining order or a temporary or permanent injunction against any party.
>
> SEC. 4. No provision in any agreement or contract between the United States and any individual shall be the basis for the issuing of any restraining order, or temporary or permanent injunction, against any party seeking to speak, print or publish any matter relating to his employment by the United States. No such contractual provision shall be deemed delevant in any way to any proceeding in which the United States seeks the injunctive relief provided for in Section 2 of this Act.

REMOVING BARRIERS FOR THE HANDICAPPED

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, I was recently made acutely aware of the problems encountered by handicapped visitors in wheelchairs as they try to get around on Capitol Hill. It seems extremely important to me that, at the Capitol perhaps more than any other location, such barriers be removed wherever possible.

The details of my experience with a handicapped member of my constituency are set forth below in my correspondence on the matter. I am delighted to say that the funds requested by the Architect of the Capitol George M. White to remove barriers for the handicapped, were included by the conference in both the Senate and House versions of the legislative branch appropriations bill. Thus whatever legislation is ultimately sent to the President will definitely have these moneys in it.

There should be local legislation in every State that barriers restraining the handicapped be removed both in government facilities and in the private sector. It is only just.

I also want to take special note of and commend the positive attitude expressed by Chief of Police James M. Powell in dealing with the problems of the handicapped here in the Capitol.

The correspondence follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., May 22, 1975.

SUPERINTENDENT OF BUILDINGS,
246 Cannon HOB,
Washington, D.C.

DEAR SIR: I am distressed that the Longworth House Office Building at the Independence Avenue entrance does not have a ramp which would permit the handicapped in wheelchairs to enter and leave the building with greater ease. This became particularly painful for me and members of my staff when my office was visited by a constituent in a wheelchair recently and she was subject to great discomfort and embarrassment when leaving the building. She needed assistance which she otherwise would not have had to have or want; and in this case, the young woman had to leave her wheelchair and be assisted down the steps. May I ask that this situation be remedied not only with Longworth House Office Build-

94TH CONGRESS
1ST SESSION

H. R. 8791

IN THE HOUSE OF REPRESENTATIVES

JULY 22, 1975

Mr. BINGHAM introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To prohibit all prior restraint against the exercise of first amendment rights except as specifically provided herein.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Free Speech Act of 1975".

SEC. 2. No court of the United States shall grant to the United States any restraining order or temporary or permanent injunction against any party seeking to freely speak, print, or publish any matter, except as specifically set out in this Act.

SEC. 3. The district courts of the United States are hereby empowered to grant the petition of the United States

to enjoin speech, or the printing or publication of any matter, if and only if the Government has both alleged and proved that communication of such matter will surely result in direct, immediate, and irreparable damage to the security of the United States or its people.

SEC. 4. No classification of documents by the Executive, pursuant to section 552 of title 5, United States Code, shall be deemed conclusive in determining the outcome of any petition by the United States, pursuant to section 2 of this Act, for a restraining order or a temporary or permanent injunction against any party.

SEC. 5. No provision in any agreement or contract between the United States and any individual shall be the basis for the issuing of any restraining order, or temporary or permanent injunction, against any party seeking to speak, print, or publish any matter relating to his employment by the United States. No such contractual provision shall be deemed relevant in any way to any proceeding in which the United States seeks the injunctive relief provided for in section 2 of this Act.

94TH CONGRESS
1ST SESSION

H. R. 8791

A BILL

To prohibit all prior restraint against the exercise of first amendment rights except as specifically provided herein.

By Mr. BINGHAM

JULY 22, 1975
Referred to the Committee on the Judiciary

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